



**TELEWORK DURING EMERGENCIES
POLICY**

**NEW MEXICO DEPARTMENT OF
FINANCE AND ADMINISTRATION**

DFA Policy No. 23.0

1. PURPOSE

1.1 The purpose of this policy is to establish a process to telework during an emergency, providing employees and the Department of Finance and Administration with alternatives in employee work locations, while adhering to Federal and State statutes and regulations. Telework is a work alternative that may be appropriate for some employees and some jobs. It is not an entitlement, it is not a State benefit, and it in no way changes the terms and conditions of employment the Department of Finance and Administration.

1.2 If any provision of this policy is in conflict with a provision of an applicable Collective Bargaining Agreement (CBA), the CBA shall control.

2. REFERENCES

The Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, as amended.

3. DEFINITIONS

3.1 **"Emergency"** is an unplanned or imminent event that affects or threatens the health, safety or welfare of people, or property and infrastructure, disrupts ordinary business operations, AND which requires a significant and coordinated response. What constitutes an emergency is determined by the Governor or the Department of Finance and Administration's Secretary. Examples include:

3.1.1 Fires;

3.1.2 Health outbreaks;

3.1.3 Severe weather;

3.1.4 Natural disasters;

3.1.5 Power failures, including electricity outages or gas leaks;

3.1.6 Emergency evacuation or moving to an emergency shelter;

3.1.7 Temporary closure or relocation of the program to another facility or service site for more than 24 hours;

3.1.8 Other events that threaten the immediate health and safety of persons served and that require calling "911."

3.2 **"HR"** or **"Human Resources"**: the Department of Finance and Administration's Human Resources.

3.3 **“Telework”** means a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work, during any part of regular, paid hours, including from an employee's residence.

4. **POLICY**

4.1 The Department of Finance and Administration retains the right to determine work schedules and locations.

4.2 Either an employee or a supervisor can suggest telework as a possible work arrangement during an emergency or preparedness for an emergency. This policy only applies to an emergency or preparedness for emergency as defined herein.

4.3 After the Governor or the Department of Finance and Administration Secretary determines an emergency has been resolved and/or persons involved are no longer in immediate danger, employees will return to their normally assigned work location.

4.4 The Department of Finance and Administration will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines, facsimile equipment or software, and photocopiers) for each telework arrangement on a case-by-case basis. HR and information technology departments will serve as resources in this matter. Equipment supplied by the organization will be maintained by the Department of Finance and Administration. Equipment supplied by the employee, if deemed appropriate by the organization, will be maintained by the employee. The Department of Finance and Administration accepts no responsibility for damage or repairs to employee owned equipment. The Department of Finance and Administration reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the organization is to be used for business purposes only. The teleworker should sign an inventory of all the Department of Finance and Administration property and agrees to take appropriate action to protect the items from damage or theft. Upon termination of employment all Department of Finance and Administration property will be returned to the Department of Finance and Administration, unless other arrangements have been made.

4.5 Consistent with the Department of Finance and Administration's expectations of information security for employees working at the office, teleworkers will be expected to ensure the protection of proprietary information, personally identifiable information, and other information confidentiality laws or regulations in their home or telework location. Steps include use of locked file cabinets and desks, regular password maintenance, and any other steps appropriate for the job and the environment.

- 4.6 The Department of Finance and Administration will supply the employee with appropriate office supplies (pens, paper, etc.) for successful completion of job responsibilities. The Department of Finance and Administration will also reimburse the employee for all other business-related expenses that are reasonably incurred in accordance with job responsibilities. Such business-related expenses must be pre-approved by the employee's supervisor.
- 4.7 The employee and supervisor will agree on the number of days of telework allowed each week, the work schedule the employee will customarily maintain, the general expectations and typical job tasks the employee will complete in a given workday, and the manner and frequency of communication. The employee agrees to be accessible by phone or email within a reasonable time period during the agreed on work schedule.
- 4.8 In the event that more than one eligible employee requests telework, and all such requests cannot be granted while meeting the eligibility criteria the Department of Finance and Administration may deny all requests, rotate alternative work schedules, or take other appropriate action.
- 4.9 Requests for intermittent leave under the Family and Medical Leave Act (FMLA) or reasonable accommodations under the American with Disabilities Act (ADA) are not governed by this policy. Such requests are governed by the Department of Finance and Administration's FMLA policy and ADA policy, respectively.

5. PROCEDURES

- 5.1 To perform telework under this policy, employees shall utilize the Department of Finance and Administration's Telework Agreement form.
- 5.2 The employee must present the form to their immediate supervisor for review and recommendation.
- 5.3 The supervisor will evaluate the suitability of such an arrangement, paying particular attention to the following areas:
 - 5.3.1 Employee suitability. The employee and supervisor will assess the needs and work habits of the employee.
 - 5.3.2 Job responsibilities. The employee and supervisor will discuss the job responsibilities and determine if the job is appropriate for a telework arrangement.
 - 5.3.3 Equipment needs and scheduling issues. The employee and supervisor will discuss equipment needs and scheduling issues.
 - 5.3.4 Tax and other legal implications for the business use of the employee's home based on Internal Revenue Service (IRS) and state and local government restrictions. Responsibility for fulfilling all obligations in this area rests solely with the employee.
- 5.4 An appropriate level of communication between the teleworker and supervisor

will be agreed to as part of the discussion process in a manner and frequency that seems appropriate for the job and the individuals involved.

- 5.5 If the employee and supervisor agree, and HR concurs, a draft telework agreement will be prepared and signed by the employee and supervisor. The supervisor will send the telework agreement to the Secretary, with the supervisor's recommendation whether to approve the telework request.
- 5.6 The Department of Finance and Administration Secretary shall review the telework agreement and approve, amend, or deny the request. All denied requests shall state a reason for the denial on the telework agreement and be discussed with the employee.
- 5.7 Once approved, amended, or denied by the Secretary and discussed with the employee, the employee's supervisor shall forward the telework agreement to HR for the employee's personnel file. Any additional changes to the schedule requiring approvals must be completed on the required forms and forwarded to HR for the employee's personnel file.
- 5.8 HR will enter the telework location into the SHARE system as appropriate and provide the employee with a copy of the signed telework agreement. HR shall maintain the original request and agreement upon approval, amendment, or denial. HR will provide copies of the telework agreement to supervisors and directors, who are responsible for employee compliance with these documents and ensuring that a forty (40) hour workweek is completed.

5.9 Revocation

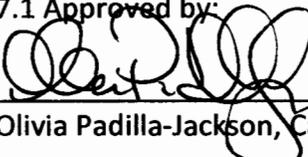
Supervisors, with the approval of the Department of Finance and Administration Secretary, may permanently or temporarily cancel, suspend, or adjust schedules based on workload, special projects, special assignments, training, if the emergency has been resolved and/or persons involved are in no longer in immediate danger, or in the best interest of the Department of Finance and Administration. Employees shall be given as much advance notice as possible when canceling, suspending, or adjusting telework.

6. ATTACHMENT

Telework Agreement

7. APPROVAL

7.1 Approved by:


Olivia Padilla-Jackson, Cabinet Secretary

Date: 3/15/2020